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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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DEBBRA MARTINEZ,  
Plaintiff,

v.

TARGET CORPORATION,  
Defendant.

MEMORANDUM DECISION AND  
ORDER ON JURY INSTRUCTIONS

Case No. 2:12-CV-1052 TS

District Judge Ted Stewart

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This matter is before the Court on Plaintiff's and Defendant's request for, and objections to, certain jury instructions.

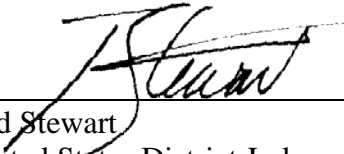
Plaintiff and Defendant proposed separate jury instructions relating to the settlement between Mrs. Martinez and Mrs. Jensen. The Court will give Defendant's jury instruction as Instruction 23A. *See Paulos v. Covenant Transp. Inc.*, 86 P.3d 752, 757–59 (Utah Ct. App. 2004); *Slusher v. Ospital*, 777 P.2d 437, 442–444 (Utah 1989).

Plaintiff proposed a jury instruction on pre-existing conditions and Defendant objected. The Court will give an instruction on pre-existing conditions as Instruction 35A consistent with the instructions approved by the Utah Supreme Court in *Robinson v. All-Star Delivery, Inc.*, 992 P.2d 969, 972 (Utah 1999) and *Tingey v. Christensen*, 987 P.2d 588, 591 (Utah 1999).

Defendant proposed two other instructions, one on causation and one on the strength of the evidence. The Court declines to give these proposed instructions.

It is SO ORDERED this 9th day of December, 2015.

BY THE COURT:



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Ted Stewart  
United States District Judge